

Date: January 11, 2007 Label No. EV908959186US

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Kim Blum

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Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: CHEN et al.)	Examiner: William P. Watkins III
)	
Application Number: 10/697,532)	Group Art Unit: 1772
)	
Filed: October 30, 2003)	Confirmation No.: 7566
)	
Docket No.: 3620-064-01)	Customer No. 33432

For: A SURFACE COVERING PANEL

APPELLANTS' REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 11, 2007

Sir:

This Reply Brief is in response to the Examiner's Answer dated November 15, 2006. This Reply Brief is being submitted within two (2) months of the date of the Examiner's Answer and therefore is timely. The Board of Patent Appeals and Interferences is respectfully requested to consider the following comments that are in direct response to the Examiner's Answer and are supplemental to Appellants' Brief on Appeal filed on August 23, 2006.

The Examiner's comments in response to the Appellants' Brief on Appeal necessitate several comments by the Appellant.

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Appellant's Reply Brief dated January 11, 2007
Reply to Examiner's Answer dated November 15, 2006

Reply to Examiner's Arguments at Pages 7-10 of the Examiner's Answer

At pages 7-10 of the Examiner's Answer, the Examiner asserts that "[t]he three dimensional depth of the pigment layer in Casto performs this function by creating both a depth and a color effect even though the outer protective layer of Casto does not have to be textured." (See page 8 of Examiner's Answer.) This particular argument by the Examiner is with respect to arguing that Casto shows texture, but the Appellant respectfully disagrees. First, when the Examiner states that "Casto does not have to be textured" (see page 8 of Examiner's Answer), this argument by the Examiner is not accurate. Casto in no way teaches or suggests an outer protective layer that is textured or any other layer. Thus, the Examiner's inference that Casto teaches or suggests the option of texturing the surface is incorrect. No embodiment in Casto teaches or suggests any texturing of the surface or outer protective layer. Further, the effects referred to by the Examiner in Casto strictly relate to a color difference on the smooth untextured surface and there is no embossed surface present on Casto after the pigment material is present.

Further, the Examiner appears to take the argument that Casto has a textured surface even though the surface is smooth by the complete filling in of any indentations with pigmented material. However, the term "texturing" in the claims of the application on appeal is clearly described in the present application, for instance, beginning at page 13, line 13, of the present application. A textured design clearly involves embossing a particular pattern on the surface. In fact, claims 5 and 6 of the application on appeal specifically recite embossed depths. A textured surface cannot be a smooth surface, like Casto's surface. Clearly, texturing or embossing is not involved in Casto and there is no textured surface in Casto, contrary to the Examiner's assertions.

Finally, the Examiner asserts that it is within the ordinary skill in the art to reverse the order

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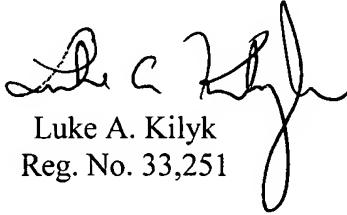
of the steps of texturing and printing in Hansson et al. However, neither reference provides such a teaching or suggestion, and the Examiner has provided no motivation in the prior art to make such a significant rearrangement, especially since such a rearrangement cannot casually be made in Hansson et al. without significant alteration of the process in Hansson et al., which is not taught or suggested in Hansson et al. Further, even if Casto was somehow combinable with Hansson et al., at most, one would be motivated to fill in indentations completely with pigment to make a smooth surface and, therefore, one would not have any textured surface present.

CONCLUSION

Accordingly, for the reasons set forth in the Brief on Appeal filed on August 23, 2006 and additionally for the reasons set forth herein, it is respectfully submitted that the Examiner's rejections of the pending claims are in error and should be reversed.

If there are any additional fees due in connection with the filing of this Appellants' Reply Brief, please charge the fee to Deposit Account No. 50-0925.

Respectfully submitted,



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